Task 2: Investigation

Family Law

Conditions
Time allowed for completion of the task: 4 weeks

Task weighting
10% of the school mark for this pair of units

Task 2:
Part A – Research: Use the case study provided to investigate the Family Law Act 1975
Part B - Complete the validation process in class at the end of the investigation
Suggested working time: 30 minutes

Case study

Maryanne and John have two children, Alexandra (3 years) and Cooper (5 years). They have recently separated after twelve years of marriage. Maryanne was working part-time before the children were born, but now is a stay at home mother. John has recently been retrenched from his job as a labourer for a small building company. Maryanne and John both want the children to live with them and are arguing over the living arrangements. Both parents claim that they are each the primary carer and should have full child access or custody.

Maryanne has made claims that she left the marriage because John has been emotionally and psychologically abusive in their relationship. He never actually hit her, but was cruel and aggressive. Maryanne has become scared of him and suffers from poor self-esteem as a result. Since he has been unemployed, John has been drinking heavily.

John claims that Maryanne is not a fit mother as she neglects her children, spending too much time watching television and on her computer chatting to friends, while the children are left to look after themselves. John says the children have a poor diet while they are in her care, eating mostly junk food. They are always tired, sick and their clothes are dirty. John has told friends he has reported this to the Department for Child Protection.

Maryanne has decided to take her ex-husband to court and seek full access or custody of the children. She hopes to obtain a court order so the children can live with her on a fulltime basis.
Part A: Research notes

Investigate information and issues related to this case study.

1. Identify the key concerns.
2. Collect primary sources of information related to the family situation; for example, guest speakers, interviews, questionnaires.
3. List and outline the role of community agencies and services available to assist the family.
5. Outline how the Family Law Act 1975 is implemented; include the role of the Family Court of Western Australia.
6. Collect secondary sources of information related to Western Australian law which assists Maryanne and John and their individual rights; for example, websites, texts, journal articles, newspapers.
7. Outline each parent’s rights and responsibilities and associated laws.
8. Outline how ‘the best interests of the child/ren’ are considered by the Family Court of Western Australia.
9. Investigate actions that may improve the family situation and resolve arrangements for the children without having to go to court.
10. Detail the process to commence proceedings for custody of the children.
11. Outline issues the court may consider when deciding custody and where the children will live.
12. The notes developed and collected through your investigation of this case study may be used during the in-class validation essay. **SUMMARISE YOUR NOTES ONTO ONE PAGE, MINIMUM FONT SIZE 9.** This note page will be submitted with the essay at the conclusion of the validation process.